

REMARKS:

The Office action mailed November 21 has been received and carefully considered. Reconsideration of the claims as amended is respectfully requested.

The present invention is a closure that has a break off head used to implant and properly torque the closure to set it in a bone screw. A problem with such closures is that surgeons, if they can, sometimes bypass the break off head for properly torquing the closure and thereby over torque it, leading to failure of the implant. A key aspect of the invention is that removal structure is provided which is not accessible to a removal tool until the break off head is removed. This assures that removal tool cannot be used for insertion which could lead to overtorquing of the closure and failure of the implant.

The Dent, Schlider, Grunbichler, Johnson, Wagner, Parker and Reed references have been cited in various combinations against the claims. However, these references, whether taken singly or all in combination fail to teach providing a closure with a removal apparatus that cannot be accessed by the removal tool until the head is broken away.

Dent is directed to a bolt with a break off head in which it is specifically taught to provide axial access to the removal aperture through the head. Attention is directed to Figs. 9 and 14 which specifically teach this.

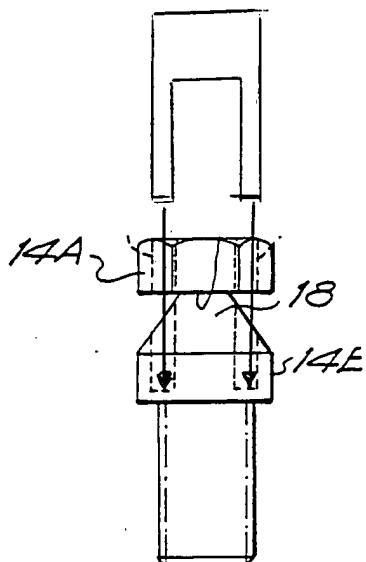
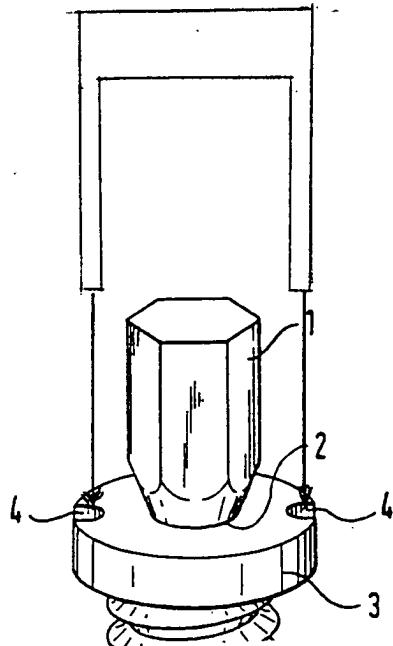
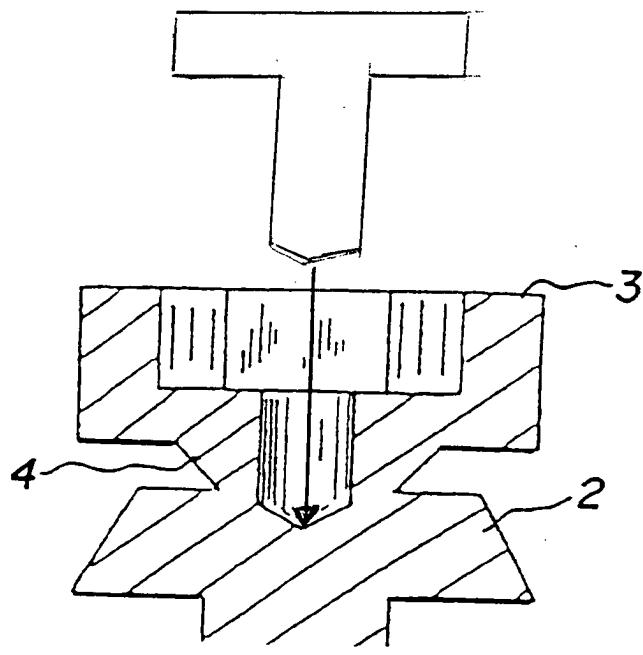


FIG.14.

Schilder is directed to bone screw, not a closure, in Schilder there is always access for the removal tool to be axially entered into the removal apertures. In Schilder, the removal bores are spaced radially outward from the break off head to allow access at all times.



Grunbichler is not directed to a closure, but even if it were, it does not show the invention. Figure 1 shows the bolt of Grunbichler clearly has a central bore in the break off head which allows axial access to the only aperture in the part of the bolt that remains after break off.



Johnson is also not directed to a bone screw closure, but rather, a bolt. Johnson has no break off head and, as can clearly be seen in Figs. 1 to 5, the aperture in the screw that is used for both insertion and removal is always accessible by the removal tool.

The Wagner device also fails to teach a bone screw closure; however, more importantly, it has no break off head that limits access to the apertures shown in the spanner nut 38.

Parker has nothing to do with bone screws or closures, but is directed to golf shoe spikes. It certainly does not in anyway teach a break off head or how to prevent access to removal apertures.

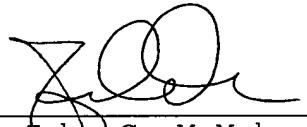
Reed does not provide removal bores that are blocked from access by a break off head. Reed like much of the cited art does not have anything to do with closures for bone screws. The failure to have anything to do with bone screw closures is important here and in much of the art cited because none of this non analogous art faces the same problems of overtorquing that face engineers of bone screw closures. Consequently, it is urged that one having skill in the art would not turn to these references for ways to resolve their problems. However, more importantly, none of these references teach how to resolve the problem in the manner of applicant's invention, as called for in

the claims and, therefore, the invention is never disclosed in the cited prior art.

In summary, it is urged that the pending claims are allowable over the art of record and notice to that effect is earnestly solicited.

The Examiner is invited to contact the undersigned by telephone, if prosecution of this application can be expedited thereby.

Respectfully Submitted,



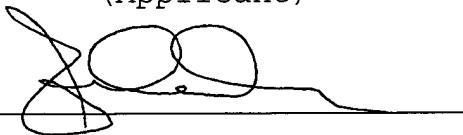
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Commissioner For Patents,
P.O. Box 1450,
Alexandria, VA 22313-1450 on
March 21, 2008.

Roger P. Jackson
(Applicant)

By

A handwritten signature of "Roger P. Jackson" in black ink. It consists of a stylized "R" and "P" followed by "Jackson". The signature is written over a horizontal line.

March 21, 2008

(Date of Signature)